

A-6741
Special Permit Request

Maintain two (2) structures along either side of a riser and walkway that were installed in the Kirkside Drive public right-of-way.

Mr. and Mrs. Joshua T. Brady
5611 Kirkside Drive

CHEVY CHASE VILLAGE
BOARD OF MANAGERS
JUNE 8, 2015 MEETING

STAFF INFORMATION REPORT

TO: BOARD OF MANAGERS
FROM: ELLEN SANDS, PERMITTING AND CODE ENFORCEMENT COORDINATOR
DATE: 6/4/2015
SUBJECT: HEARING OF CASE NO. A-6741 SPECIAL PERMIT REQUEST
MR. JOSHUA T. BRADY AND MS. MICHELLE S. BRADY; 5611 KIRKSIDE DRIVE
TO MAINTAIN TWO (2) STRUCTURES ALONG EITHER SIDE OF A RISER AND WALKWAY THAT WERE
INSTALLED IN THE KIRKSIDE DRIVE PUBLIC RIGHT-OF-WAY.

NOTICE REQUIREMENTS: Abutting Owners; Public Notice

APPLICABLE CHEVY CHASE BUILDING REGULATION:

The Chevy Chase Village Code Sec. 25-6(a) states:

No structures, fence, wall, lamp post, hand rails, tree, hedge or shrubbery or any other growth, except grass, ground cover, flowers, and similar plantings, shall be placed on public property devoted to private use without the property owner first having obtained a license and having signed a right-of-way license agreement, in addition to any required building or special permit. Such agreement may be recorded in the county land records at the abutting property owner's expense. For the purposes of this Section, masonry piers and pillars shall be considered to be walls.

APPLICABLE COVENANTS:

Not applicable; verification of compliance with the property's covenants is not required for Special Permit requests authorized by Sections 8-21 [fences], 8-26 [driveways] or Chapter 25 [Public Rights-of-Way] of the Village Code and because the construction is located within the public right-of-way (Kirkside Drive) and not on private property.

FACTUAL AND BACKGROUND INFORMATION:

The Property is located on the northeast corner of Kirkside Drive and Montgomery Street. The walkway is located in the Kirkside Drive public right-of-way.

The Applicants obtained an administratively-issued Building Permit for the in-kind replacement of the front steps and walkway in the same location on October 31, 2014; see page 17 of the application materials.

During the construction, the Applicants' contractor expanded the walkway's width, a riser was added, and two structures were constructed along either side of the riser and walkway all within the public right-of-way. This work was performed without obtaining the applicable permit or execution of a License to Use the Public Right-of-Way.

Pursuant to Sec. 25-5(c) ("Public Rights-of-Way") of the Village Code, structures located within a public right-of-way require a Chevy Chase Village Special Permit, in addition to a License to Use the Public Right-of-Way (only a Building Permit is required for in-kind walkway replacements)¹.



Figure 1: The walkway prior to expansion.



Figure 2: The walkway after expansion showing the two structures alongside the new riser and walkway.

¹ Subsequent to their filing of this Special Permit Request, the Applicants also installed a hard-wired, freestanding light (visible in Figure 2) in the public right-of-way without having obtained the required Building Permit and license. The Applicants have been advised that said documents must be executed in order to maintain the light.

The Building Code establishes a minimum height of twelve (12) inches as the point at which an assembly of materials constitutes a "wall". This was meant to exclude lower assemblies of materials, frequently stone or timber (used primarily in landscaping) from being defined as and subject to the restrictions for "walls". The construction built along either side of the Applicants' walkway is less than twelve (12) inches in height.

A "cheekwall" is defined as a wall(s) accompanying a set of steps (see below). The construction built along either side of the Applicants' walkway is not proportional to the rise of the step and extends far beyond the single riser.

The Village Manager has found that the construction built in the Kirkside Drive public right-of-way meets neither definition, and has determined that what was built are "structures", pursuant to the below definition.

Related definitions per the Village Code Sec. 8-1. Definitions:

Wall: An architecturally solid construction of stone, brick or other material, greater than twelve (12) inches in height, and intended for the purposes of privacy, security, enclosure, or to hold back earth.

Cheek wall: A retaining wall immediately adjacent to steps that is in reasonable proportion to the rise and run of the steps.

Structure: An assembly of materials forming a construction including, but not limited to, buildings, accessory buildings, open sheds, shelters, tennis courts, antennae, air conditioners, generators, heat pumps, swimming pools, therapeutic baths and permanently anchored play equipment, but not including walkways, patios, or driveways.

Walkway: An improved surface greater than twenty (20) square feet in total area constructed on a base and intended for private use by pedestrians.

When it was observed that the walkway had been expanded in the vicinity of a large Village tree, the Village consulting Arborist was directed to assess the tree for potential impacts. Although the Arborist was unable to determine the full extent of the impacts to the tree's root system, he concluded that major roots had not been cut, thereby limiting an adverse impact to the tree.

This construction places a structure in the right of way, which was evaluated with respect to interference with pedestrian or vehicular traffic.

Per Sec. 25-6(e):

(e) No structures, fence, wall, lamp post, hand rail, tree, hedge or shrubbery or any other growth located on public property devoted to private use by an abutting owner or occupant shall be permitted to extend into any public sidewalk, street, or alley so as to interfere in any manner with pedestrians or vehicular traffic.

Michael Younes, Director of Municipal Operations, and Chief Fitzgerald have assessed the structures; see pages 15 and 16 of the application materials for their comments.

To date no letters have been received either in support of or in opposition to the request.

Applicable Fees: Building Permit Application: \$50; Special Permit Application Fee: \$300. If approved the License to Use the Public Right-of-Way fee will be \$175.

RELEVANT PRIOR CASES:

Note: Prior to 1999, *any* structure in the public right-of-way required approval from the Board of Managers. Subsequent to that, most special permit requests were regarding the height, or location in proximity to the public sidewalk, of structures, fences, walls etc. Staff was able to locate two prior appeals for maintenance of a structure (in both cases, lampposts) that were installed without the applicable permit and license having been issued. In July 2011 Christopher Erckert and Christopher Sperl of 28 Hesketh Street were granted a special permit to **maintain** a gas lamp post that had been installed in the Hesketh Street public right-of-way. In March 2013 Mr. & Mrs. Robert Maruszewski of 127 Grafton Street were granted permission to **maintain** a lamppost that was installed in the Grafton Street public right-of-way. The location of the lampposts was compliant with Village Code. Other relevant cases for installation of structures in the public right-of-way include:

On November 23, 1993, Mr. & Mrs. Karl Corby of 2 West Newlands Street received approval to **construct** two stone pillars in the West Newlands Street public right-of-way. In 1993, Mr. & Mrs. John Murphy of 6 Newlands Street received approval to **extend** a retaining wall from the private property into the Newlands Street public right-of-way, terminating three feet, ten inches (3'-10") from the public sidewalk. In 1996 Mr. Daniel Lynn Korengold and Ms. Martha Lyn Dippell of 101 East Melrose Street were granted a special permit to **replace** the original electric lights on the tip of two stone piers in the East Melrose Street right-of-way with two new gas lighted lamps and to **install** plantings and for the **maintenance** of a wall measuring ten inches in height and sixty feet in length. On January 20, 1998, Mr. & Mrs. William Clinton, of East Melrose Street received approval to **construct** a stone wall measuring three feet in height that encroached six feet into the East Melrose Street public right-of-way. On June 8, 1998 Mr. and Mrs. George Keeler were granted a special permit to **construct** a stone wall measuring eight inches in height in the Oxford Street public right-of-way.

Subsequent to the revision to the Code regarding structures in the public right-of-way, in 2004 Mr. & Mrs. Clarke Camper of 6 Primrose Street were granted special permits to **extend** a retaining wall alongside the public sidewalk in front of their property and to **install** a 7-foot high gas lamp post in the Primrose Street right-of-way. In 2004 Mr. & Mrs. Thomas G. Schendt were granted permission to **install** two lamp posts in the Grafton Street public right-of-way adjacent to a walkway leading from the public sidewalk to the applicants' front door. On July 14, 2008 Mr. Thad S. Kemp was granted a request to **construct** stone piers in the Oliver Street public right-of-way. On July 31, 2010 Mr. and Mrs. Antonio Adelfio were granted a special permit to **reconstruct** three stone pillars measuring four feet in height and located eight inches from the proposed Brookville Road public sidewalk. On December 12, 2011, Mr. & Mrs. Stewart Bainum of 12 Primrose Street were granted a request to **install** a pair of handrails, each measuring nine (9) feet in length, on either side of the front steps located in the Primrose Street public right-of-way. In December of 2011 Mr. & Mrs. Peter Keisler were granted a special permit to **install** a lamp post in the Magnolia Parkway public right-of-way. In January 2012, Mr. & Mrs. Peter Keisler of 20 Magnolia Parkway were granted permission to **install** a handrail alongside a private walkway in the Magnolia parkway public right-of-way. In February 2012 Mr. & Mrs. Andrew Marino of 11 Primrose Street were granted permission to **install** a lamp post in the Primrose Street public right-of-way. In June 2012 Mr. & Mrs. Jeffrey Shuren of 108 Hesketh Street were granted permission to **construct** a new pair of cheekwalls alongside reconstructed steps in the Hesketh Street public right-of-way. The walls terminate twelve (12) inches from the public sidewalk. In February 2013 Mr. and Mrs. Alex Sternhell of 27 Primrose Street were granted permission to construct a new pair of cheekwalls alongside new steps in the Primrose Street public right-of-way which terminate twelve (12) inches from the public sidewalk.

FINDINGS REQUIRED:

1. The proposed Special Permit would not adversely affect the public health, safety or welfare, nor the reasonable use of adjoining properties;
 2. The proposed Special Permit can be granted without substantial impairment of the intent and purpose of this chapter; and
 3. For all Special Permits, except for Special Permits authorized by Sections 8-21, 8-26 or Chapter 25 of the Village Code, the structure authorized by the proposed Special Permit would not violate any covenant applicable to the property[not applicable in this case].
-

Draft Motion

I move to APPROVE/DENY the Special Permit request in Case A-6741 on the basis that the evidence presented, including the Staff Report and Case Synopsis, demonstrates that the applicable requirements for approval of the Special Permit HAVE/HAVE NOT been met. Staff is directed to draft a decision based on this evidence, including findings of fact and conclusions, APPROVING/DENYING the Special Permit request.

Previous Enforcement Correspondence



May 5, 2015

Mr. Joshua Brady
5611 Kirkside Drive
Chevy Chase, MD 20815

RE: Village Code Violation

Dear Mr. Brady:

The Village Manager and I met with you on March 4, 2015 regarding the construction in the Kirkside Drive public right-of-way abutting your property. As you know, the Village was originally informed in October, 2014, that there would be no change to the front stoop and steps or the walkway at this property, as only maintenance work was planned. As a result, no permit was required. On October 21, 2014, it was determined that you had removed the stoop, steps and walkway. This work requires a building permit from the Village. You applied for and were issued a permit, which specifically described the work to be done. Part of that work was to replace the walkway "in the same footprint". The footprint described would match the photograph included as Attachment A to this letter.

We have now determined, as a result of the March 4 meeting, that you have expanded the walkway in the Village right of way beyond the original footprint both in width and height and have included a step. A photograph of the new configuration is included as Attachment B to this letter. The changes to the walkway were not authorized in the permit. Pursuant to Sec. 8-6 of the Village Code, set out below, a permit may not be changed without approval by the Village Manager.

Sec. 8-6. Building Permit issuance and conditions.

(d) Modification of approved plans. No person or persons shall erase, modify or alter any plans or specifications after they have been approved and a permit issued thereon. If during the progress of work it is desired to deviate materially from the approved plans or specifications, notice of such intent shall be given in writing to the Village Manager, and his/her written approval shall be obtained before such amendment is made. No person or persons shall proceed with any activity requiring a Village Building Permit except in accordance with the approved plans and specifications, and any amendments approved by the Village Manager.

CHEVY CHASE VILLAGE

5906 Connecticut Avenue
Chevy Chase, Maryland 20815

Phone (301) 654-7300

Fax (301) 907-9721

ccv@montgomerycountymd.gov
www.chevychasevillagemd.gov

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SHANA R. DAVIS-COOK

LEGAL COUNSEL
SUELLEN M. FERGUSON

Further, the expansion of the walkway in the right of way also requires a license agreement pursuant to Village per Sec. 25-5, which states as follows:

Sec. 25-5. Driveways and walkways crossing public right-of-way.

(e) In addition to the requirement in Sec. 8-5 for a Building Permit, a written revocable license to use the public right-of-way and a right-of-way license agreement signed by the owner shall be required for the installation of any private walkway within the public right-of-way. **The Building Officer and the Village Manager may issue a written license to use the public right-of-way upon such terms and conditions as the Building Officer and the Village Manager deem appropriate to protect the current and future use of the public right-of-way by the public, and governmental and utility entities. (Emphasis added).**

In addition to the applicable Building Permit and License Agreement, having reviewed the construction that was installed, the Village Manager advised you that a portion of what was constructed creates a hazard and that modifications must be made to eliminate the hazard. The Manager determined that the two dividers installed perpendicular to the street, on either side of the expanded walkway, must be removed because they are an obstruction in the abutting roadway. The upper two sections of divider, if they are modified to slope down to the landing proportional to the slope of the step, may be maintained.

At this point, two violations have occurred. The first violation is that the construction is not in keeping with the approved plan issued for replacement of the previous walkway (Sec. 8-6). The second violation is that you have not obtained a license (Sec. 25-5).

To come into compliance, you must submit a Building Permit Application for Projects in the Public Right-of-Way (enclosed). Upon receipt of the completed application, staff will prepare the License to Use the Public Right-of-Way, with the restrictions noted above, which must be signed and notarized by all parties, following which a permit will be issued. The Village Manager will condition the permit on completion of the work within thirty (30) days of the date of issuance.

If we have not received the Building Permit Application, filing fee and plan(s) within ten (10) days of the date of this letter, we will proceed with enforcement action, which can include issuance of a municipal infraction and fine..

Sincerely,



Ellen Sands

Permitting & Code Enforcement Coordinator

Chevy Chase Village

Email: ccvpermitting@montgomerycountymd.gov

Enclosure



May 14, 2015

Mr. Joshua Brady
5611 Kirkside Drive
Chevy Chase, MD 20815

*Scanned &
emailed
5/14*

Re: 5611 Kirkside Drive and Adjacent Public Right-of-Way

Mr. Brady:

We are in receipt of your letter dated May 11, 2015 stating your intent to file an appeal pursuant to Sec. 25-6(g)(2) of the Village Code. This Code section, however, is not applicable in this case. Sec. 25-6(g)(2) of the Village Code refers to appeals pertaining to the revocation of a license to use the public right-of-way. As you know, the Village has not issued a license for the construction. My letter of May 5, 2015 referenced the fact that you could apply for a license, and submit a Building Permit Application for Projects in the Public Right-of-Way, if the modification suggested in the May 5 letter was acceptable. To date you have not filed for a license. As a result, there is no revocation of a license to appeal.

If it is your intention to appeal the Manager's decision that the built construction does not meet the Code's requirements for a Building Permit, you would file your appeal pursuant to Village Code Sections 8-10(a) and 25-11(c), which state:

Sec. 8-10. Review procedures.

(a) Filing of appeals. Any person aggrieved by a decision or action of the Village Manager arising from the granting or denial of a Building Permit may file a de novo appeal to the Board of Managers. Such appeal shall be filed within (30) days after issuance of the decision by the Village Manager. The Village Manager shall transmit to the Board of Managers all documents and papers pertaining to the appeal which shall constitute the record on appeal.

Sec. 25-11. Remedial action and stop work order.

(c) If any person shall fail or refuse to abate any condition prohibited by this Chapter within fifteen (15) days from the notification of violation, such condition may be abated by the Village, and the cost of such work and the damages resulting therefrom shall be paid by such person upon request of the Village. Within ten (10) days of notification, such person may in writing request a review by the Board of Managers of whether the notice of violation was properly issued. The cost of abatement for a violation of this Section shall be a lien upon the abutting property to be collected in the same manner as Village taxes are collected. Abatement by the Village is in addition to any other remedies available under law.

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LEGAL COUNSEL
SUELLEN M. FERGUSON

If you wish to file an appeal pursuant to the above-referenced sections, please submit a letter addressed to the Village Board of Managers outlining the basis of your appeal along with any other documentation you would like to submit in support of your case. We will accept your May 11 letter as sufficient to meet the filing deadline.

If you do not wish to modify the construction as previously suggested in my May 5 letter, which would require a standard Building Permit and license approved by the Village Manager and Building Officer, you can apply for a Special Permit and license to maintain what you have constructed, which is a structure. This application is made pursuant to Sec. 25-6 of the Village Code, which states:

Sec. 25-6. Structures, fences, walls, lamp posts, hand rails, trees, hedges and shrubbery in public right-of way.

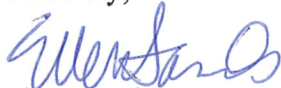
(a) No structures, fence, wall, lamp post, hand rails, tree, hedge or shrubbery or any other growth, except grass, ground cover, flowers, and similar plantings, shall be placed on public property devoted to private use without the property owner first having obtained a license and having signed a right-of-way license agreement, in addition to any required building or special permit. Such agreement may be recorded in the county land records at the abutting property owner's expense. For the purposes of this Section, masonry piers and pillars shall be considered to be walls.

The request for a Special Permit is determined directly by the Board. In order to apply for a Special Permit, you must submit a Building Permit Application for Projects in the Public Right-of-Way, a Special Permit Application, a \$300 filing fee, a plat diagram along with a dimensioned drawing of the construction and any other documentation you would like to submit in support of your request.

To meet the deadline for consideration of your appeal under Secs. 8-10 and 25-11(c), or a Special Permit request, by the Board of Managers at its June 8 meeting, you must file the requested documentation by 5:00 p.m. on Monday, May 18. All of the documents referenced in this letter, along with Chapters 8 and 25 of the Village Code, are enclosed for your reference.

Feel free to call if you would prefer to walk this through on the telephone, and contact me should you have any questions or need additional information.

Sincerely,



Ellen Sands

Permitting & Code Enforcement Coordinator
Chevy Chase Village

Att. Building Permit Application for Projects in the Public Right-of-Way
Special Permit Application
Chapter 8 of the Village Code
Chapter 25 of the Village Code
Website Posting Notice

**CHEVY CHASE VILLAGE
NOTICE OF PUBLIC HEARING**

Please take notice that the Chevy Chase Village Board of Managers will hold a public hearing on the 8th day of June, 2015 at 7:30 p.m. The hearing will be held at the Chevy Chase Village Hall at 5906 Connecticut Avenue in Chevy Chase, Maryland.

**APPEAL NUMBER A-6741
MR. JOSHUA T. BRADY &
MS. MICHELLE S. BRADY
5611 KIRKSIDE DRIVE
CHEVY CHASE, MARYLAND 20815**

The applicants seek a Special Permit from the Board of Managers pursuant to Section 8-9 of the Chevy Chase Village Building Code to maintain two (2) structures along either side of a riser and walkway that were installed in the Kirkside Drive public right-of-way.

Sec. 25-6(a) states:

No structures, fence, wall, lamp post, hand rails, tree, hedge or shrubbery or any other growth, except grass, ground cover, flowers, and similar plantings, shall be placed on public property devoted to private use without the property owner first having obtained a license and having signed a right-of-way license agreement, in addition to any required building or special permit. Such agreement may be recorded in the county land records at the abutting property owner's expense. For the purposes of this Section, masonry piers and pillars shall be considered to be walls.

Should the request be approved, before any Special Permit will be issued the Applicants must enter into a right-of-way license agreement in a form acceptable to the Village.

Additional information regarding this appeal may be obtained at the Chevy Chase Village Office between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday, may be viewed on the Village website at www.chevychasevillagemd.gov or you may contact the office for this information to be mailed to you.

This notice was mailed (and emailed where possible) to abutting and confronting property owners on the 28th day of May, 2015.

Chevy Chase Village Office
5906 Connecticut Avenue
Chevy Chase, Maryland 20815
301-654-7300

Chevy Chase Village

Application for a Special Permit

Chevy Chase Village Code Section 8-1 defines a Special Permit as permission granted by the Board of Managers in accordance with Article II Division B of this Chapter [8], to construct, install, remove or alter a structure or planting, or take other action where such permission is required by this Chapter.

| | | |
|---|--|---------------------------|
| Subject Property: | 5611 Kirkside Drive | |
| Describe the Proposed Project: | Maintain installation of walkway leading ad street | |
| Applicant Name(s) (List all property owners): | Joshua + Michelle Brady | |
| Daytime telephone: | (301) 651-3208 | Cell: |
| E-mail: | joshuatbrady@gmail.com | |
| Address (if different from property address): | | |
| For Village staff use: | | |
| Date this form received: | 5/18/15 | Special Permit No: A-6741 |

Filing Requirements:

Applications will be reviewed for satisfaction of all requirements and are not considered complete until approved as such by staff.

- ☐ Completed Chevy Chase Village Application for a Special Permit (this form)
- ☐ Completed Chevy Chase Village Building Permit Application
- ☐ Completed Chevy Chase Village Website Posting Notice
- ☐ A boundary survey or plat diagram with a margin of error of one tenth of a foot or less showing all existing structures, projections and impervious surfaces.
- ☐ Surveys, plats, engineering reports, construction plans/specifications or other accurate drawings showing boundaries, dimensions, and area of the property, as well as the location and dimensions of all structures/fences/walls/etc., existing and proposed to be erected, and the distances of such structures/fences/walls/etc., from the nearest property lines. These drawings shall incorporate and display reference dimensions from the boundary survey or plat diagram required above.
- ☐ Copy of Covenants, except for Special Permits authorized by Sections 8-21 and 8-26 of Chapter 8, or Section 25-5 and 25-6 of Chapter 25 of the Chevy Chase Village Code.
- ☐ Applicable Special Permit fee listed in Chapter 6 of the Village Code.

Affidavit

I hereby certify that I have the authority to submit the foregoing application, that all owners of the property have signed below, that I have read and understand all requirements and that I or an authorized representative will appear at the scheduled public hearing in this matter. I hereby authorize the Village Manager, or the Manager's designee, and/or the Board of Managers to enter onto the subject property for the purposes of assessing the site in relation to this special permit request. I hereby declare and affirm, under penalty of perjury, that all matters and facts set forth in the foregoing application are true and correct to the best of my knowledge, information and belief.

Applicant's Signature: _____

Date: May 18, 2015

Applicant's Signature: _____

Date: 5/18/15

Describe the basis for the Special Permit request (Applicants should become familiar with the pertinent sections of the Village Code. Attach additional pages as needed):

Describe the reasons why approval of the Special Permit would not adversely affect the public health, safety or welfare or the reasonable use of adjoining properties:

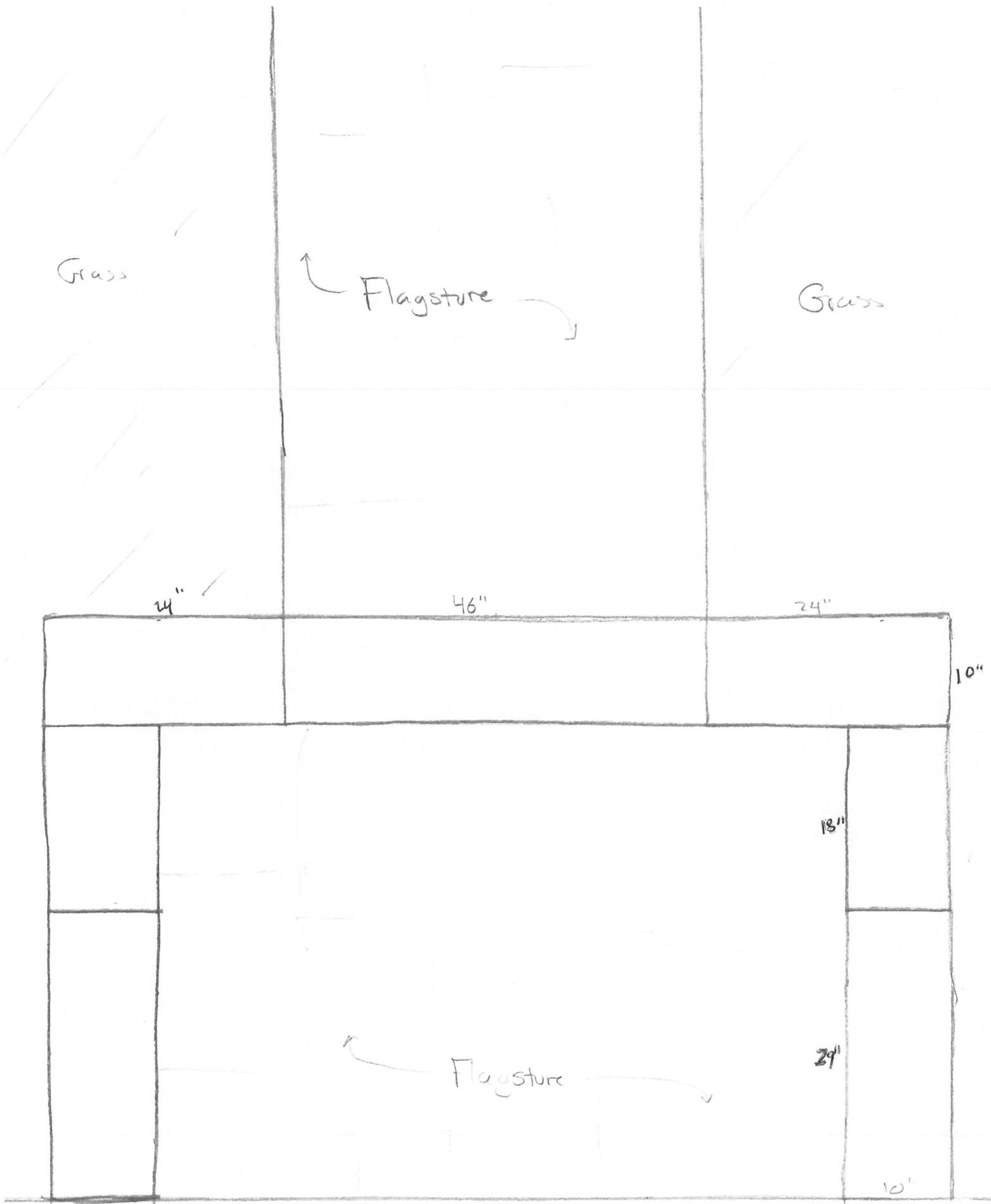
The walkway landing does not adversely affect the adjoining properties. It is very small visually and is consistent with the architecture of the subject property and adjoining houses.

Describe the reasons why the Special Permit can be granted without substantial impairment of the intent and purpose of Chapter 8, entitled *Buildings and Building Regulations*, or Chapter 25, entitled *Public Rights-of-Way* of the Chevy Chase Village Code

The walkway follows the path originally installed when house was built. The abutments at the end on the landing account for the grade of the land as it meets the street and the root system of the tree. See photos.

In exercising its powers in connection with a Special Permit request, the Chevy Chase Village Board of Managers may reverse or affirm, wholly or partly, or may modify the requirement, decision or determination as it deems appropriate.

| | |
|---|---|
| Special Permit Filing Fees | Checks Payable To: Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815 |
| <i>Per Village Code Sec. 6-2(a)(24):</i> <input checked="" type="checkbox"/> \$300.00 for new construction. <input type="checkbox"/> \$150.00 for replacing existing non-conformities. <input type="checkbox"/> \$2,250.00 for demolition of main building. <input type="checkbox"/> \$300.00 for demolition of accessory building or structure. <input checked="" type="checkbox"/> \$300.00 for fences, walls, play equipment, trees, hedges, shrubbery in the public right-of-way. Fee Paid: \$300 | Date Paid: 5/20/15 Staff Signature: [Signature] |
| | Approved to Issue Building Permit per Board Decision Signed by the Board Secretary. Signature: _____ Village Manager Date: _____ |



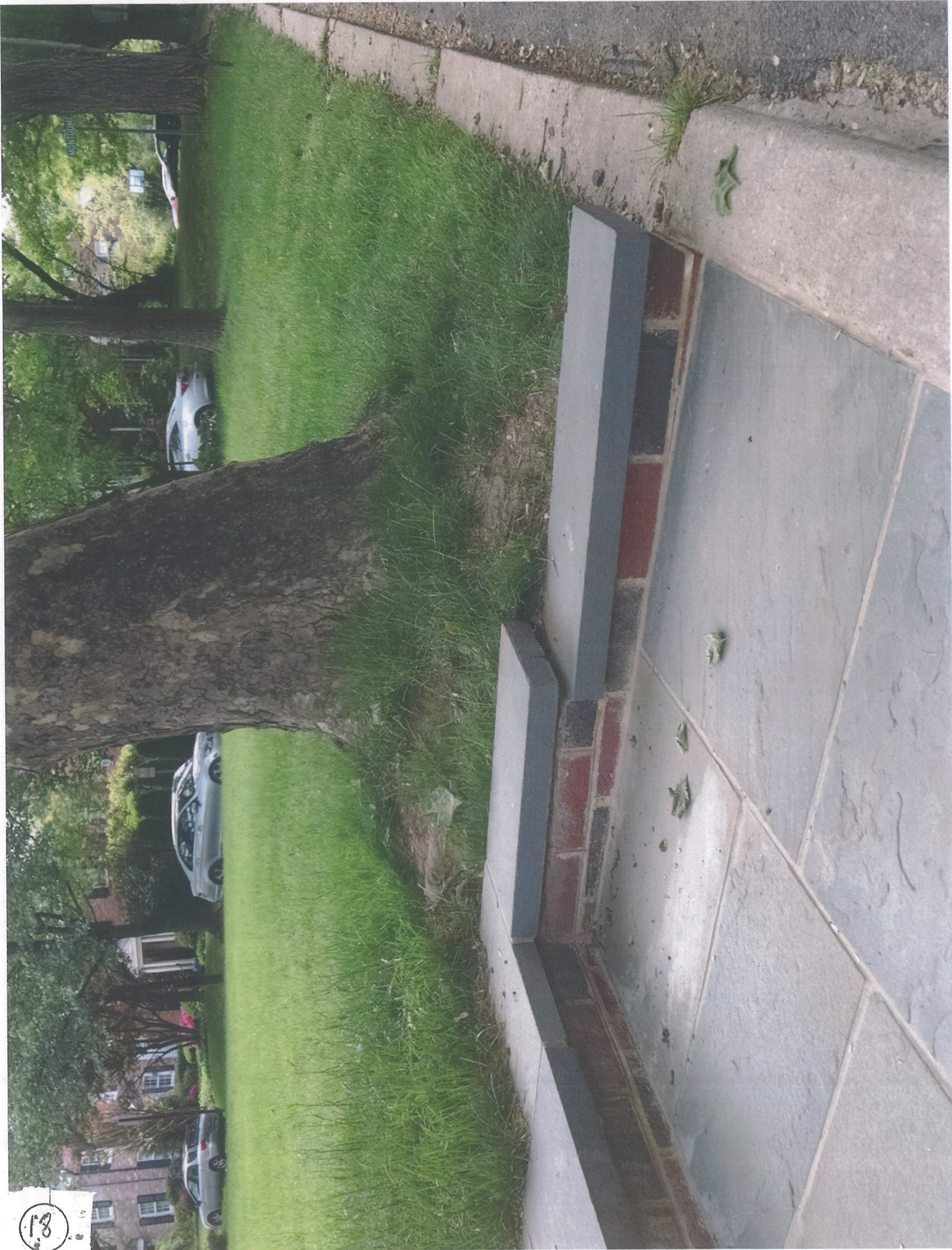
16

Curb

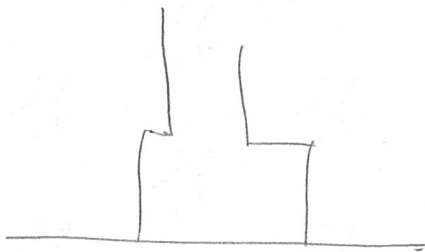
Street

1 inch = 1 Foot









CCV Permitting

From: Younes, Michael
Sent: Tuesday, May 26, 2015 3:40 PM
To: CCV Permitting
Subject: RE: 5611 Kirkside

Ellen,

I looked at the walls located in the right-of-way and provide the following:

1. I am concerned that they are set so close to the roadway, during snow plowing operations it is common for the snow plow blade to jump the curb or scrap the top of the curb. The flagstone caps on the wall could come in contact with the plows and be thrown with the snow damaging cars, windows and or the plow itself.
2. Since the wall is directly abuts the curb it will most likely be damaged or destroyed when it comes time to replace the concrete curb.
3. I would be worried if a car tire jumping the curb in this section, which is only about 3 inches high, would be punctured if contact is made with the corners of the wall.

Michael



Michael W. Younes, PMP
Director of Municipal Operations
Chevy Chase Village
Main Office: (301) 654-7300
Direct Dial: (240) 762-5301
Cell: (240) 482-5443
Fax: (301) 907-9721
michael.younes@montgomerycountymd.gov
www.chevychasevillagemd.gov

CCV Permitting

From: Fitzgerald, John M.
Sent: Friday, May 29, 2015 4:40 PM
To: CCV Permitting
Cc: Davis-Cook, Shana
Subject: 5611 Kirkside

Ellen:

After seeing the recent walkway construction at 5611 Kirkside Drive, my reaction is as follows:

- The side walls extend above grade level to the curb edge and the stone slab on top of the bricks extends about two inches or so beyond the bricks and overhangs the curb slightly. This wall could present a trip hazard to someone walking in the right of way either on the grass or on the curb—especially when walking in the dark.
- The top slab has sharp corners and edges that, when combined with the very low curb height there, could easily result in a punctured tire side wall if a car were to roll onto the curb (during a parking maneuver, say) and scrape or bump the slab.

John

John Fitzgerald, Chief
Chevy Chase Village Police Department
5906 Connecticut Avenue
Chevy Chase, MD 20815
301-654-7300



CHEVY CHASE VILLAGE

5906 Connecticut Avenue
Chevy Chase, Maryland 20815
(301) 654-7300

Email: ccvpermitting@montgomerycountymd.gov

BUILDING PERMIT

Permit Number: 6650

Date Issued: October 31, 2014

Expires: October 31, 2015

Name of Property Owner:

Joshua Brady

Address of Construction:

5611 Kirkside Drive
Chevy Chase, MD 20815

Contractor:

Mark Willcher Landscape Design

Contact Person:

Mark Willcher

Phone Number:

301-655-0849

WORK TO BE DONE

- Replace front walkway and steps in same location

SPECIAL CONDITIONS

- ☐ Work must be done in accordance with submitted application.
- ☐ Work must commence within six months of the issuance of this permit and must be completed by **October 31, 2015**.
- ☐ Tree protection measures must be installed before work begins and must remain in place for the duration of project.
- ☐ Posting of commercial signs is prohibited.
- ☐ Noise-Generating activities and power equipment usage are prohibited until after 8:00 a.m. M-F and after 9:00 a.m. weekends & holidays.
- ☐ New steps must be in the same footprint; new landing must be at grade.

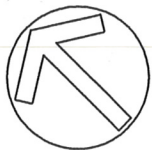
Permit Fee: \$30.00

Tree Protection Plan: \$0.00 Appeals: N/A

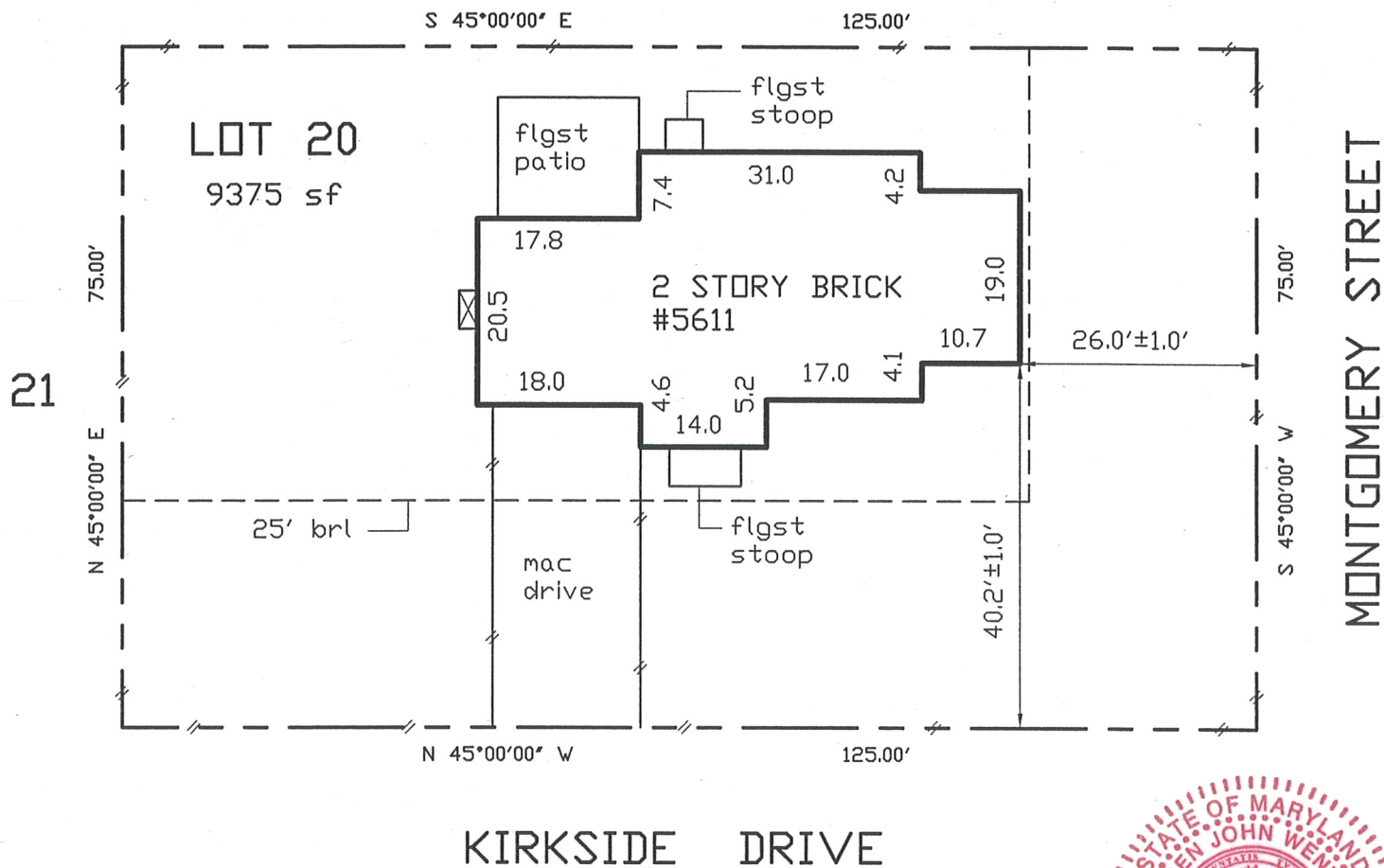
Total Fees Due: \$30.00 (paid)

THIS PERMIT MUST BE POSTED

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No evidence of property corners was found.
Apparent occupation is shown.

Date: 5-20-08
Plat Book: 18
Plat No.: 1132
Work Order: 08-1660
Address: 5611 KIRKSIDE DRIVE
District: 7
Jurisdiction: MONTGOMERY COUNTY, MD

Scale: 1" = 20' Drn: R.C.D.
NO TITLE REPORT FURNISHED

Surveyor's Certification

I hereby certify that the survey shown hereon is correct to the best of my knowledge and that, unless noted otherwise, it has been prepared utilizing description of record. This survey is not a boundary survey and the location or existence of property corners is neither guaranteed nor implied. Fence lines, if shown, are approximate in location. Building restriction lines shown are as per available information and are subject to the interpretation of the originator.

LOCATION DRAWING
LOT 20, BLOCK 13
SECTION 1-A, CHEVY CHASE

NOTE: This plat is of benefit to a consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or refinancing. This plat is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements. This plat does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or securing financing or refinancing.



Meridian Surveys, Inc.
811 Russell Avenue
Suite #303
Gaithersburg, MD 20879
(301) 721-9400